

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 4:18CR00810 HEA
)	
LACIA ALLEN,)	
)	
Defendant.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on Defendant's Motion for Sentence Reduction/Compassionate Release, [Doc. No. 73]. The Government opposes the motion. For the reasons set forth below, the Motion is denied.

The Government has set forth the relevant background in its response to Defendant's motion:

At the time the defendant was sentenced, she was serving terms of probation through the State of Missouri under Docket Numbers 14SL-CR05503 and 14SLCR06127, and a term of federal supervised release under Docket Number 4:16CR00281 HEA. Each of the terms had been revoked prior to sentencing in the case at bar. PSR ¶¶ 42, 44, 45. However, she has not begun serving the sentences for her state probation revocation or a four-year state sentence for forgery that was imposed on October 11, 2018. PSR ¶¶ 46, 83. After considering the provisions of § 5G1.3(d), this Honorable Court ordered that the sentence imposed in the above-styled case be run consecutively to the sentences imposed in Docket Numbers 14SL-CR05503, 14SLCR06127, 4:16CR00281 HEA, and 18SL-CR04689. DCD 64, 2. The result of the judgment was that the 28-month sentence imposed by this Honorable Court did not commence until after the termination of her federal supervised release revocation sentence on July 6, 2019. PSR ¶ 45.

Defendant did not appeal the consecutive sentence to the appellate court. The Sentence does not contain any arithmetical, technical, or other clear error. Since more than 14 days have elapsed since entry of the judgment, the Court lacks jurisdiction to provide the relief sought by the defendant. Fed.R. Crim.P. 35.

Additionally, presuming, *arguendo* the Court had jurisdiction, as the Government points out, the relief sought would not provide Defendant with the compassionate release she seeks. As noted in the presentence investigation report, Defendant has three undischarged sentences through the State of Missouri. PSR ¶¶ 42, 44, 46. Because she had not been received into the State of Missouri system prior to imposition of either federal sentence, it is likely that she will be transferred directly from the federal system to the State of Missouri for commencement of its sentences. While it is possible that the State of Missouri may grant Defendant credit for the time she served in federal custody, almost three-years would remain for Defendant to serve on the five-year terms of incarceration imposed on November 1, 2018 in Docket Numbers 14SL-CR05503 and 14SL-CR06127.


Defendant states in her motion that her paperwork is “messed up.” The Court has granted her request for copies of her sentencing documents from the court file and suggests Defendant contact her attorney for any clarification of the sentence term and application she may have.

Furthermore, in support of her Motion, Defendant states that she is not receiving the medical care she believes she needs. Such issues are appropriately addressed through the grievance procedures of the correctional facility in which Defendant is currently incarcerated.

Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion for Sentence Reduction/Compassionate Release, [Doc. No. 73], is denied.

Dated this 26th day of March, 2020.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE